

1 JOHN C. CRUDEN  
 Acting Assistant Attorney General  
 2 Environment and Natural Resources Division  
 U.S. Department of Justice  
 3 LORI JONAS (Bar # 158268)  
 Senior Attorney  
 4 Environmental Enforcement Section  
 P.O. Box 7611  
 5 Washington, D.C. 20044  
 (202) 514-4080 (telephone); (202) 514-2583 (facsimile)

6 JOSEPH P. RUSSONIELLO (Bar # 44332)  
 United States Attorney  
 Northern District of California  
 7 CHARLES M. O'CONNOR (Bar # 56320)  
 Assistant United States Attorney  
 8 450 Golden Gate Avenue, 9<sup>th</sup> Floor  
 San Francisco, CA 94102  
 9 (415) 436-7180 (telephone); (415) 436-76748 (facsimile)

10  
 11 Attorneys for Plaintiff United States

12 IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 OAKLAND DIVISION

14 UNITED STATES OF AMERICA, and	)	CASE NO. C 09-0186 CW
THE PEOPLE OF THE STATE OF	)	
15 CALIFORNIA <i>ex rel.</i> CALIFORNIA	)	
STATE WATER RESOURCES	)	
16 CONTROL BOARD, and CALIFORNIA	)	
REGIONAL WATER QUALITY	)	
17 CONTROL BOARD, SAN FRANCISCO	)	
BAY REGION,	)	STIPULATION AND ORDER
18	)	CONTINUING CASE
Plaintiffs,	)	MANAGEMENT CONFERENCE
19 v.	)	
20 EAST BAY MUNICIPAL UTILITY	)	Date: July 7, 2009
DISTRICT	)	Time: 2:00 p.m.
21	)	
Defendant.	)	Courtroom: No. 2
22	)	

23 A case management conference is scheduled in the above-captioned action for July 7,  
 24 2009. For the reasons stated below, the parties stipulate that the case management conference  
 25 be continued and ask the Court to continue it for sixty (60) days.

26 On January 15, 2009, plaintiffs filed a Complaint and a Notice of Lodging, and lodged  
 27 with the Court a proposed Stipulated Order for Preliminary Relief in the above captioned case.

28 Pursuant to 28 C.F.R. § 50.7, the plaintiff United States was required to publish notice of  
 lodging the Stipulated Order in the Federal Register and accept public comment on the proposed

1 Stipulated Order for a period of thirty days before requesting entry of the Stipulated Order.  
 2 Thereafter, on January 27, 2009, the United States caused notice of the lodging of the Stipulated  
 3 Order to be published in the Federal Register, and comments were received until February 27,  
 4 2009. After publication of the prescribed notice in the Federal Register and receipt of  
 5 comments, the United States is to inform the Court of its views regarding any comments that are  
 6 received and, if it believes that entry of the proposed Stipulated Order remains warranted. The  
 7 United States has now evaluated the comments and expects to inform the Court of its views and  
 8 move for entry of the proposed Stipulated Order within three weeks of the date this stipulation is  
 9 signed.

10 Because the undersigned parties expect that the Stipulated Order will be submitted to the  
 11 Court for entry within three weeks, they believe that further litigation will not be necessary at  
 12 this time and proceeding with the case management conference on July 7, 2009, would waste the  
 13 time and resources of both the Court and the parties.

14 NOW THEREFORE, IT IS HEREBY STIPULATED by and among the parties, through  
 15 their undersigned counsel, that the case management conference set for July 7, 2009, be  
 16 continued for sixty (60) days.

17 Respectfully submitted,

18  
 19 JOHN C. CRUDEN  
 Acting Assistant Attorney General  
 Environment and Natural Resources  
 Division  
 U.S. Department of Justice

20  
 21 LORI JONAS  
 Senior Attorney  
 Environmental Enforcement Section  
 Environment and Natural Resources  
 Division  
 U.S. Department of Justice  
 P.O. Box 7611  
 Washington, D.C. 20044  
 (202) 514-4080

22  
 23  
 24  
 25  
 26 //

27  
 28 Stipulation and Order Continuing Case Management Conference  
 C 09-0186 CW

JOSEPH P. RUSSONIELLO  
United States Attorney  
Northern District of California

/s/

DATED: June 16, 2009

CHARLES M. O'CONNOR  
Assistant United States Attorney  
450 Golden Gate Avenue, 9<sup>th</sup> Floor  
San Francisco, CA 94102  
(415) 436-7180

Attorneys for the United States of America

EDMUND G. BROWN, JR.  
Attorney General of the State of California

/s/

DATED: June 16, 2009

JOHN DAVIDSON  
Supervising Deputy Attorney General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102  
(415) 703-5480

Attorneys for the State of California

BARG COFFIN LEWIS & TRAPP, LLP

/s/

DATED: June 16, 2009

KATHRYN L. OEHLISCHLAGER  
350 California Street, 22<sup>nd</sup> Floor  
San Francisco, CA 94104-1435  
(415) 228-5400

Attorneys for East Bay Municipal Utility  
District

ORDER

IT IS SO ORDERED. Based upon the foregoing stipulation, signed on behalf of all parties to this action, the case management conference scheduled for July 7, 2009, is hereby continued until **September 15, 2009, at 2:00 p.m.**

DATED: June 19, 2009

  
CLAUDIA WILKEN  
United States District Judge

Stipulation and Order Continuing Case Management Conference  
C 09-0186 CW